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ABSTRACT

Arguing that the multitude of federal, state and local laws governing the California Community Colleges (CCC) drains the system's capacity to serve students seeking educational opportunity, this paper examines how the state's colleges came to be micro-managed and offers possible solutions. Part I provides a history of laws and structures governing the CCC, chronologically discussing 23 regulations, from provisions in the 1849 state constitution to 1992 actions to ensure student equity. In part II, implications of this accumulation of laws are suggested, including the costs in time and money to comply and the inability of colleges to meet their basic mission of access to higher education, serving one of every fourteen adults in 1991, compared to one of every eleven in 1977. In part III, three alternatives are described for reducing laws and structures governing community colleges: removing outdated and unnecessary laws while keeping those laws deemed necessary; establishing "charter schools," which comply only with the provisions of their charters; or reinventing laws and structures by wiping the slate of previous laws clean. Finally, part IV proposes a plan for reinventing CCC's laws and structures, taking into account such realities as the free flow of students, college-based shared governance, barriers and inefficiencies of transfer, equalization of funding, impediments to employee mobility, and access to education. A model community college is described, with a continued policy of open access but governed by a local, five-member council of employees and students and a systemwide governance mechanism ratified by the local councils. (MAB)

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TOO MUCH LAW...TOO MUCH STRUCTURE
TOGETHER WE CAN CUT THE GORDIAN KNOT

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TOO MUCH LAW...TOO MUCH STRUCTURE: TOGETHER WE CAN CUT THE GORDIAN KNOT

Preface

The California Community Colleges are micro-managed as much or more than any other higher education institution in the country. The combined effect of the multitude of federal, state and local laws leaves most of us in the system feeling frustrated, confused, and sometimes resentful. Even worse, as we devote more and more time, energy and money to complying with these laws, we are losing the capacity to serve the very students who seek educational opportunity in our colleges.

Sadly, most of us have played a role in creating and sustaining this gordian knot of law and structure.

To fulfill our mission, and to serve the students who come to us, we must cut this knot and replace it with laws and structures that are simple, elegant, and resistant to bastardization.

This paper examines how our colleges have come to be micro-managed, and how, acting together, we can create a set of laws and structures that better serves students. The presentation is in four parts: first, the history or evolution of the various laws and structures; second, the implications of this ever-increasing complexity and structure, including the consequences of not attending to it; third, an evaluation of various alternatives for reducing laws and structures; and finally, a specific proposal for consideration.

I. HISTORY OF LAWS AND STRUCTURES GOVERNING COMMUNITY COLLEGES

Following is a history of the major laws and structures that govern community colleges in California. Given research and time limitations, this history is not fully complete; however, it is complete enough to acquaint the reader with the multiple layers of law and structure that have been added since the dawn of statehood.

A. 1849--The State Constitution: From the beginning, the Legislature has been constitutionally charged to provide for education in California. The Constitution of 1849 (California's first) required the Legislature to encourage the promotion of intellectual, scientific, moral and agricultural improvement. It provided for a state school fund created from the sale of lands granted by Congress and the estates of persons who died without wills. It required the Legislature to provide for a system of common schools that would be kept open at least three months a year. Finally, the Constitution also established the office of Superintendent of Public Instruction. These and subsequently adopted Constitutional provisions clearly demonstrate that the Legislature has been given the primary responsibility to provide for the education of the State's people.

B. 1851--The First School Act: The Legislature passed its first school act, a measure of nine pages, in 1851 (Chapter 126, Statutes of 1851). The Act provided

for the distribution of the proceeds of the state school lands to the schools in proportion to the total number of children (5 to 18 years of age) in the state. Interestingly, not less than 60% of this money received from the state had to be expended for teacher's salaries. The Act provided for the election of the Superintendent of Public Instruction and created a superintending school committee (composed of three persons elected like other town officers) in each city, town and village. The Act also provided for the creation of school districts and the levy of a property tax. Five sections were devoted to the examination and certification of teachers, all of which was administered locally. One section was devoted to the curriculum of primary, intermediate, grammar and high schools.

In sum, the superintending school committees had virtual plenary authority to run the schools. The legislation was not prescriptive in telling school committees how to run the schools, and the duties of the Superintendent of Public Instruction were basically to recommend a uniform series of school books and prepare plans for the construction of school houses.

C. 1852-1865--More State and Local Structures Added: In 1852, the public school system was enlarged to provide for a board of school commissioners in each county and a State Board of Education (Chapter 53, Statutes of 1852). This act was again revised in 1855, by calling for a school district in each city and town (Chapter 185, Statutes of 1855). In 1863, a board of state and county examiners was created to determine the qualifications of teachers (Chapter 159, Statutes of 1863). In 1865, a plan for local taxation and election of trustees was added, and more detailed statements of the duties of state and local officers were adopted (Chapter 342, Statutes of 1865). By this time, state law on the public schools covered 32 pages.

Within the first 15 years, therefore, the Legislature had moved away from so singularly placing education in the hands of the superintending school committees of the towns and villages. County government was brought into the action, and other state/local mechanisms were created to determine qualifications of teachers. Instead of simply providing education in the towns and villages, the Legislature began to conceive of the state's territory as being divided up into districts, so that education was more widely available.

D. 1903--Compulsory Education and Education for Physically Handicapped Minors: In 1903, the system of compulsory education was established (Chapter 270, Statutes of 1903). The local schools were now under a duty to ensure that all eligible pupils were attending. In the same year, a series of amendments were adopted to provide for the education of physically handicapped minors (Chapter 88, Statutes of 1903). These two revisions further exemplify the intent of the Legislature to enforce the importance of education: it was not limited just to those who chose to attend; and it was not limited just to the able-bodied. In both instances, the local schools picked up new duties in delivering education.

E. 1907--The Beginnings of the Community College Delivery System: The first statutory authorization for what has become community college education was enacted in 1907 (Chapter 69, Statutes of 1907), when the Legislature authorized high schools to offer "post-graduate courses of study . . . which . . . shall approximate the studies prescribed in the first two years of university courses."

F. 1913--Teacher Retirement and Civic Centers: The first system of teacher's retirements was established in 1913 (Chapter 694, Statutes of 1913). Currently,

the Education Code contains some 463 statutes governing the State Teacher's Retirement System.

In 1913, school buildings were required to be made available for use as civic centers (Chapter 395, Statutes of 1913). Under current law (Education Code Sections 82357-82548), community colleges are required to provide free use of their facilities to such groups as Camp Fire Girls; Girl Scout troops; Boy Scout troops; farmer's organizations; senior citizens' organizations; student clubs; and other public agencies formed for recreational, educational, political, economic, artistic, or moral activities.

G. 1917--The "Junior College Act"; and Layoff Provisions: Legislation creating the "Junior College Act" (Chapter 304, Statutes of 1917) provided financial support for junior college courses offered by high school districts, and expanded the course of study to include: "the mechanical and industrial arts, household economy, agriculture, civic education, and commerce."

Also in 1917, the first legislation establishing procedures and limitations on layoff was enacted (Chapter 552, Statutes of 1917). The law basically specified that when ADA declined, layoffs would be allowed (in the inverse order of employment), provided that the affected instructors received written notice on or before May 15th. If notice was not timely given, the instructors would be deemed reemployed. These basic provisions have been augmented with additional procedures and persist to the present day (see Education Code Section 87743).

H. 1921--Teacher's Tenure; Separate Community College Districts; and Bonds: In 1921, teacher's tenure was added to the law (Chapter 878, Statutes of 1921). Instead of being hired by contract for a period of years, teachers who earned tenure now became permanent employees, and could only be dismissed for certain causes. Also in 1921, the Legislature provided for the organization of separate junior college districts (Chapter 495, Statutes of 1921), and for the issuance of bonds for the construction of junior college facilities (Chapter 477, Statutes of 1921).

I. 1933--The Field Act: A major earthquake in Long Beach called attention to the need to make the schools safe for children. The "Field Act" was enacted in 1933 (Chapter 59, Statutes of 1933) to provide major oversight of school building construction.

J. 1935-1955--Miscellaneous New Requirements and Structures Added: The two decades between 1935 and 1955 were filled with numerous additions to statute. The following are some of the more significant additions: In 1935, laws were passed requiring each school to have medical kits that had certain contents (Chapter 337, Statutes of 1935). In 1937, uniform system of fire signals was provided for (Chapter 397, Statutes of 1937). When World War II broke out, education in national defense was added to the curriculum (Chapter 904, Statutes of 1941); children of disabled veterans were enabled to attend college tuition free (Chapter 1064, Statutes of 1941); and child care centers were established to enable parents to do war work (Chapter 921, Statutes of 1943). In 1947, the formulas for apportioning school funds were entirely rewritten so as to provide equalization aid to poorer districts (Chapter 401, Statutes of 1947). Also in 1947, legislation was enacted to provide for the education of mentally retarded minors and for child care centers for mentally retarded children and physically handicapped children (Chapter 1475, Statutes of 1947). In 1953, the Legislature required each district to have an

annual audit of its books and accounts (Chapter 1028, Statutes of 1953), a requirement that community college districts continue to meet (See Education Code Sections 84040 et seq).

K. The 1960's--A Decade of Great Change: Historians of the Education Code have said that the decade of the 1960's was marked by changes in the structure and organization of the education system and laws governing it which are unprecedented in scale and import, as compared to any other period in the State's history (Kunzi, The Education Code, West's Annotated California Codes, 1969).

Much of the legislation enacted during the 1960's reflects the intent of the Legislature to adapt the educational system to grapple with major social and economic problems facing the State and Nation. During this era, the Legislature increased its usage of "categorical programs"--where the Superintendent of Public Instruction or the State Board of Education were provided specific oversight roles, and the funds were provided to districts with specific strings attached. For instance, in 1963, the "McAteer Act" was enacted (Chapter 98, Statutes of 1963) to provide state-level administration and local delivery of special programs of "compensatory education" for the benefit of students affected by economic, language, and cultural disadvantages brought on by their home and community environment.

In 1965, the Miller-Unruh Basic Reading Act of 1965 was passed (Chapter 1233, Statutes of 1965), providing special reading instruction programs in grades one, two and three. The Act provided for the employment of specially qualified teachers and afforded additional state subventions, again with certain strings attached. In 1967, provisions were added, again as a categorical program, for special mathematics improvement programs (Chapter 1639, Statutes of 1967). Additional categorical programs for mentally gifted minors (Chapter 883, Statutes of 1961), and educationally handicapped minors (Chapter 2165, Statutes of 1963) were also added during the 1960's.

The 1960's were also the decade of the first Master Plan for Higher Education. In 1959, anticipating a tremendous increase in enrollments during the next ten or more years, the Legislature requested the Liaison Committee of the State Board of Education and the Regents of the University of California to make a study of the system of higher education in the state, and to prepare a master plan for higher education (Resolution Chapter 200, Statutes of 1959). In February of 1960, the Liaison Committee and the Regents transmitted, A Master Plan for Higher Education in California, 1960-1975. The document, prepared by a special committee called the Master Plan Survey Team, has since had a profound influence on the development of postsecondary education in California. Among its more important recommendations were that the California State Colleges should be split off from the State Board of Education and be a separate system with its own governing board. The junior colleges were included as part of higher education, but were left under the jurisdiction of local governing boards and the State Board of Education. The Master Plan also recommended the respective missions of the University California, the California State Colleges and the junior colleges, and established percentages for upper and lower division enrollments at the University and State Colleges, as well as the percentages of high school graduates that these institutions ought to serve.

Aspects of the Master Plan which required legislative implementation were included in the "Donahoe Higher Education Act," enacted in 1960 (Chapter 49, 1st

Extraordinary Session, Statutes of 1960). The statement of the mission of the junior colleges has remained essentially intact to the present day:

> 22651. Public junior colleges shall offer instruction through but not beyond the 14th grade level, which instruction may include, but shall not be limited to, programs in one or more of the following categories: (1) standard collegiate courses for transfer to higher institutions; (2) vocational and technical fields leading to employment; and (3) general or liberal arts courses. Studies in these fields may lead to the associate in arts or associate in science degree.

L. 1969--Extended Opportunity Programs and Services (EOPS): This categorical program to encourage community colleges to establish and develop programs for students affected by language, social, and economic handicaps was enacted in 1969 (Chapter 1579, Statutes of 1969). An extended opportunity program or service is an undertaking by a college which is over and above the regular educational programs of the college, directed to assisting students with language, social and economic handicaps in gaining access to community colleges, and in succeeding in their educational objectives. Through statute or regulations, here are some of the requirements districts must meet in order to receive EOPS funds:

1. Each EOPS program must have an advisory committee appointed by the president of the college upon recommendation of the EOPS director;
2. Each college receiving EOPS funds must employ a full-time EOPS director (unless a specific waiver is obtained);
3. Each college receiving funds must assess EOPS eligible students using instruments and methods which the college president certifies are valid and appropriate;
4. Each college receiving funds shall provide counseling and advisement to EOPS eligible students of at least three contact sessions per term;
5. Persons serving as directors or counselors in the EOPS must meet specific credential requirements or possess certain minimum qualifications established by the Board of Governors; and
6. An EOPS plan for each college must be submitted to the Chancellor for review and approval. The plans must cover specified matters, and must be evaluated annually.

M. 1973--The Rehabilitation Act of 1973, Section 504: Federal law passed in 1973 requires public institutions to make their programs, employment opportunities, and facilities reasonably accessible to persons with handicaps. The federal statute was further implemented through regulations first issued in 1976. By virtue of these "504 Regulations," community colleges had to adapt their facilities so as to be reasonably accessible to the handicapped. Extensive architectural barrier removal has also been necessary. In addition, educational programs had to be adjusted to allow for the participation of students who, with reasonable accommodation by the college, could be served. Finally, when colleges created and filled jobs, they were prohibited from discriminating against persons with disabilities who, with reasonable accommodation, could perform the work.

N. 1974--Student Records: The Family Educational Rights and Privacy Act of 1974, popularly known as the "Buckley Amendment", has created a substantial role for the federal government with respect to student records. The Act and its implementing regulations (34 C.F.R. Part 99) apply to all institutions that receive federal funds. The California Legislature has adopted legislation implementing this law and regulations, and the community college portions can be found in Sections

76200 et seq of the Education Code. The Board of Governors has also adopted regulations to implement these provisions.

The law requires districts to provide students written notification of their rights under the law. Students have the right of access to all of their records, and others cannot have access unless they have the written consent of the student, or unless they fall under certain very limited exceptions. Students also have the right to challenge the content of any student record. A log must be kept to note any access to any student file.

O. 1975--Collective Bargaining: Collective bargaining for K-12 and community colleges (the "Education Employment Relations Act") was enacted in 1975 (Chapter 961, Statutes of 1975), and became operative on July 1, 1976. The Act recognized the right of public school employees to join organizations of their own choice, the right to be represented by such organizations in their professional and employment relationships with public school employers, the right to select one employee organization as the exclusive representative of the employees in an appropriate unit, and the right of certificated employees to have a voice in the formation of educational policy. The law requires public school employers to "meet and negotiate" with exclusive representatives on matters within the scope of representation. If agreement cannot be reached, there are provisions for mediation and impasse, with the matter ultimately going to the Public Employment Relations Board.

With collective bargaining, negotiations over salary and other terms and conditions of employment were changed dramatically in both process and tenor. Under previous law (The Winton Act), the district governing board had the obligation to "meet and confer" with the employee groups, but the board had the final say in setting salaries and other terms and conditions of employment. With collective bargaining, mutual agreement of the exclusive representative is necessary; otherwise resolution of the dispute will proceed through an elaborate legal framework. If the public school employer is found not to have negotiated in good faith, or if it has committed an unlawful employment practice, legal remedies are provided for the exclusive representative and the bargaining process.

P. 1976--Disabled Students Programs and Services (DSPS): The Legislature established a comprehensive framework for DSPS (originally "Handicapped Students Programs and Services") through 1976 legislation providing funding for support services, specialized instruction, and educational accommodations made necessary by the functional limitations of students with disabilities (Chapter 275, Statutes of 1976). This categorical program and the Board regulations which implement it, impose several requirements on districts which seek these funds:

1. Each disabled student enrolled must have an "individual educational plan" (IEP) which addresses the specific needs of the student. The IEP must be established at the beginning of each academic year, and must be updated each term. The IEP must include a statement of the student's goals and objectives; a verification of the need for enrollment in special classes, or the provision of special support services; a description of the process by which the student will reach his/her goal(s); and a description of the criteria used to evaluate the student's progress;
2. Each college providing funded services or programs shall establish and advisory committee composed of the community served, public agencies and organizations serving the disabled;

3. Each five years, a DSPS program plan must be prepared and submitted to the State Chancellor for approval. The program plan must be updated annually to the Chancellor. The contents of the plan and the annual updates are very specific;

4. Districts must submit enrollment and budget reports to the Chancellor; and

5. Persons providing services in the DSPS program as coordinators, counselors, or instructors must possess specific credential requirements or meet specific minimum qualifications.

Q. 1977--Investigating Complaints of Unlawful Discrimination: Through general legislation enacted in the Government Code, agencies that are funded by the state are prohibited from unlawfully discriminating against a person on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability (Chapter 972, Statutes of 1977). State agencies that administer funding programs are required to adopt regulations to provide for the investigation and resolution of complaints of unlawful discrimination brought against agencies that are funded by the state agency. The regulations of the Board of Governors provide for the investigation of complaints of unlawful discrimination brought by employees or students within a district. The district is required to investigate within certain timelines, and to report to the Chancellor. The Chancellor has the authority to direct remedial actions in instances where unlawful discrimination has occurred.

R. 1978--Affirmative Action: While the Board of Governors had adopted binding regulations on affirmative action in 1977, the Legislature reinforced this action with specific legislation in 1978. Community college districts were required to develop affirmative action plans with goals and timetables. More recent amendments require districts to publish and distribute a record of the success rate of measurable progress. In implementing this legislation, the Board of Governors has adopted regulations that impose the following requirements on districts:

1. Each district must adopt an affirmative action policy;

2. Each district must adopt a faculty and staff diversity plan that meets certain minimum requirements. The plan must have goals and timetables for hiring and promotion, and these goals and timetables must be revised every three years. The plan must be reviewed and approved by the Chancellor;

3. Each district must annually survey its employees and monitor applicants for employment on an ongoing basis;

4. Each district must establish a faculty and staff diversity advisory committee to assist in implementing the district's plan. The committee must include members of all historically underrepresented groups;

5. Each district must undertake a program of verifiable affirmative action recruitment in all job categories and classifications; and

6. Each district must comply with specific requirements regarding applicant pools and screening or selection procedures.

S. 1986--Matriculation: The Seymour-Campbell Matriculation Act of 1986 (Chapter 1467, Statutes of 1986) provides categorical funding and specific oversight roles for the Board of Governors in implementing matriculation services in the colleges. Services to be made available by the colleges to students include processing the application for admission, orientation services, assessment and counseling upon enrollment, referral to specialized support services (such as financial aid, EOPS, DSPS, health services, child care, etc), advisement concerning course selection, and postenrollment evaluation of each student's progress. Districts may only use assessment instruments which are authorized by the Board of Governors. Also, all participating districts must establish and maintain institutional research to evaluate the effectiveness of the matriculation services.

The Board of Governors has adopted regulations to implement the Matriculation Act, and these regulations impose the following requirements on districts:

1. Each district must adopt a matriculation plan which addresses specified matters; and the plan must be reviewed and approved by the Chancellor;
2. Each district must submit an annual report describing its efforts to implement its matriculation plan and expenditures made for that purpose. The contents of the report are detailed in regulation;
3. Each district must develop and implement a program for providing all faculty and staff with training on the provision of matriculation services;
4. Each district must provide certain specified matriculation services;
5. Each district, where necessary, must make modifications in the matriculation process to accommodate the needs of ethnic and language minority students;
6. Each district must establish a process for assisting students to select a specific educational goal within a reasonable time after admission;
7. Each district must establish a student follow-up process to assist a student in achieving his/her educational goal; and
8. Each district must establish procedures for students to challenge alleged violations of law or regulation.

T. 1988--AB 1725 (Including Shared Governance, Full-Time/Part-Time Instructor Ratios, Remedial Limits, Staff Development, Minimum Qualifications, Hiring Criteria, Evaluation of Employees, Accountability, and Management Information System: With the major reforms of 1988 (Chapter 973, Statutes of 1988), community colleges became obligated to comply with many new laws and establish many new structures. Following are the major requirements for districts coming out of AB 1725:

1. **Shared Governance:** Districts are required to establish procedures to ensure that faculty (academic senates), staff and students can participate effectively in district and college governance. The Board of Governors has adopted regulations governing district procedures for each of these three areas. Among other things, districts are required to "consult collegially" with academic senates on "academic and professional matters." Effectively speaking, a governing board is prevented from acting on an academic and professional matter unless it relies primarily on the advice and judgment of the academic senate or unless it reaches mutual agreement with the senate on what the policy ought to be.
2. **Full-Time/Part-Time Instructor Ratios:** Districts wishing to receive their full share of program improvement money must add full-time instructors to improve the percentage of hours of credit instruction being taught by full-time instructors. The Board of Governors has further implemented this provision by requiring districts to increase their number of full-time instructors in years where adequate growth and cost of living revenues have been provided to districts.
3. **Remedial Limits:** Districts must adopt and enforce a limit on the amount of remedial instruction a student may take. Implementation requires not only policy, but tracking systems, and procedures for granting waivers.
4. **Staff Development:** In order to receive staff development funds, districts must establish an advisory committee for each campus, develop a human development resources plan for each campus, and annually report expenditures to the Chancellor.
5. **Minimum Qualifications:** No longer can districts rely upon a credential issued by the Board of Governors in determining whether a person is qualified to teach or serve in an administrative position. Instead, districts must establish procedures for screening all candidates for applicable minimum qualifications adopted by the Board of Governors. Districts, in conjunction with their academic senates,

must also establish procedures for determining "equivalency" to the minimum qualifications.

6. Hiring Criteria: Districts must adopt and apply hiring criteria to all faculty and administrator applicants.

7. Evaluation of Employees: Districts must establish a peer review process for evaluating faculty. In addition, part-time instructors must be evaluated. Contract employees must be evaluated at least once each year, and regular employees must be evaluate at least once each three years.

8. Accountability and Management Information System (MIS): While the AB 1725 provisions on the systemwide accountability model are directed primarily to the Board of Governors, it is districts who must provide the data and conduct a significant amount of evaluation. The accountability model is to provide information on such student outcomes as transfer rates and programs, student goal satisfaction and success in courses and programs, completion rates of courses and programs, and occupational preparation relative to state and local workforce needs. Implementation of the MIS, which was started a few years before AB 1725, is a very large undertaking for districts.

U. 1990--Student Right-To-Know, and Contracting With Minority and Women's Business Enterprises: Two significant requirements were added during 1990, one federal, the other state. In November of 1990, the federal Student Right-to-Know and Campus Security Act was signed into law (Public Law 101-542). This legislation requires colleges to produce and make readily available the completion or graduation rates of certificate or degree-seeking full-time students. The information is to be provided to prospective students before enrolling or entering into any financial obligation. The legislation also imposes substantial reporting obligations with respect to athletically-related student aid, including: the number of students receiving such aid, broken down by race and sex; and the completion or graduation rates for students receiving such aid, broken down by race and sex. Among other things, the legislation also requires colleges to collect, disclose and report certain information about crime on campus. The information is to be distributed to all current students and employees, as well as any to applicant for enrollment or employment, upon request. Key information to be provided is: a statement of current campus policies regarding the reporting of crime; a statement of current policies concerning security and access to college facilities; a statement of current policies concerning campus law enforcement (including the enforcement authority of security personnel); statistics concerning the occurrence on campus during the most recent school year, and during the preceding two school years, of certain criminal offenses (murder, rape, robbery, aggravated assault, burglary, and auto theft) reported to campus security or local police agencies; and statistics concerning the number of arrests for liquor law violations, drug abuse violations, and weapons possessions occurring on campus.

Also in 1990, the California Legislature enacted law to ensure that the California Community Colleges, as a system, establish and apply statewide participation goals for contracting with minority and women's business enterprises (see Education Code Section 71028). The law requires the Board of Governors to adopt regulations to implement this requirement. While the regulations are still in the process of development, it is clear that districts will be required to establish mechanisms for compliance and report on their activities.

V. 1991--Transfer Centers:
The legislature passed major policy on transfer in 1991 (Chapter 1188, Statutes of 1991), including a provision which requires local colleges to maintain transfer

centers. The Board of Governors implemented this law with a regulation establishing minimum program standards for transfer centers. The regulation requires the following of districts:

1. Each district must develop a "Transfer Center Plan" which describes the activities of the transfer center and the services provided to students. Plans are to identify target populations and target goals;

2. Each district must provide certain services, including: a) identify, contact and provide transfer support services to targeted populations; b) ensure the development and use of transfer admission agreements; c) ensure that students receive accurate and up-to-date transfer information; d) monitor the progress of students up to the point of transfer; and e) support the progress of students through referral, as necessary, to such services as diagnostic testing, tutoring, financial aid, and counseling;

3. Each district must designate a particular location on campus as the focal point of transfer functions;

4. Each district must assure that college staff are assigned to coordinate the activities of the transfer center and the transfer plan;

5. Each district must have an advisory committee representative of campus departments and services, and four year college personnel (as available);

6. Each district must provide institutional research for ongoing internal evaluation of the effectiveness of the transfer efforts; and

7. Each district must submit an annual report to the Chancellor on the status of efforts to implement the district's plan, including expenditure reporting.

W. 1992--Student Equity: The Board of Governors has recently approved a regulation (although it is not yet legally operative) to require districts to take certain actions with respect to student equity:

1. Each district must adopt a student equity plan, which addresses for each college in the district: a) campus-based research as to the extent of student equity; b) goals for access, retention, degree and certificate completion, ESL and basic skills completion, and transfer rates for historically underrepresented groups; c) implementation activities; d) sources of funding; e) a schedule and process for evaluation; and f) an executive summary.

2. Each district must actively involve all groups on campus in this activity; and

3. Each district must submit its plan to the Chancellor.

Summary

In providing for education, the Legislature initially provided for a decentralized administration and delivery. With time, it began to add layers of local government as well as a state board and other officers. As societal issues arose, the Legislature enacted further legislation to ensure the State's interest was being addressed. Emphasis was placed on serving all students, not just able-bodied children who chose to attend. In time, the Legislature added laws and statutes protecting the rights of employees and the rights of students. With the 1960's the Legislature began further to pursue the State's interest through categorical aid programs aimed at special populations. Increasingly, the Legislature and the State Board began to direct the manner in which programs were to be delivered, or procedures that had to be followed. During the 1960's and the 1970's, the federal government stepped up its intervention into community college law and structure with laws on nondiscrimination, affirmative action, student records, and program and facility accessibility for the handicapped. The 1970's and 1980's were marked with special programs for special student populations, and by the further empowerment of faculty through collective bargaining and academic senates. By

1992, the community college portions of the Education Code alone number over 1200 statutes; and federal law imposes a similar number of statutes or regulations.

II. IMPLICATIONS

Following are some of the more significant implications of this formidable accumulation of laws and structures that have evolved over the past 150 years:

A. From humble beginnings, the state and federal laws and structures governing community college education in California have evolved steadily to regulate the delivery of education to an almost unbelievable degree of detail. For nearly 150 years the community colleges have experienced this piece-meal addition of federal and state statute and regulation. Each piece, at the time of its enactment, seems to have had at least some rationale and justification. Now, the cumulative effect of all these structures and laws is mind-boggling. In the California Education Code alone, there are currently over 1200 statutes which directly regulate and affect the affairs of community colleges. This says nothing of the 640 regulations adopted by the Board of Governors, and the hundreds and hundreds of federal statutes and regulations which govern the specific activities of colleges.

The degree to which California Community Colleges are highly regulated is further illustrated by statistics regarding other states. Research conducted by the Chancellor's Office in 1985 showed that California's community colleges were then governed by 2200 provisions of the Education Code. This number was almost twice the number of the total number of statutes governing community colleges in the following ten large industrial states: Illinois (275 statutes), Oregon (200), Michigan (200), New Jersey (175), Florida (125), Texas (110), Arizona (100), New York (50), Massachusetts (35), and Ohio (35).

B. Complying with these laws and structures costs money and time; and, in an era of limited resources, tends to reduce the resources, time and energy we have available for providing direct instruction and services to students. The basic mission of community colleges is to provide high quality educational programs and services that are within the segment's mission to any student who has the capacity and motivation to benefit from instruction. Our colleges are the access point to higher education for the great majority of California adults; and it is our job to provide this access and ensure that our students succeed.

Many of the laws and structures summarized in Section I of this paper focus on input: that is, processes, procedures, or special methods of operation that must be followed in order for the Legislature (or other regulating body) to have confidence that something will be done the right way. Still other of the laws and structures focus on student rights and responsibilities or employee rights and responsibilities. **All of these laws and structures thereby direct the manner in which community colleges are to deliver services rather than simply relying the system to accomplish specified educational outcomes.** For instance, as a process matter, the statutes and regulations dictate that each of our districts must have a matriculation plan, a DSPS plan, an EOPS plan, a faculty and staff diversity plan, a student equity plan, a transfer center plan, and a staff development plan. Further, each of our districts must establish the advisory committees for matriculation, transfer centers, EOPS, DSPS, affirmative action. Clearly, the requirements to develop plans and establish advisory committees give us some increased level of confidence that appropriate services will be provided to students.

On the other hand, if a college only has a $1,000,000 budget, and it must spend $100,000 of this amount to develop plans, staff advisory committees, and meet reporting requirements, there is only $900,000 left for the direct delivery of services to students. Each of these process requirements takes time and money--time and money that could be spent on the direct delivery of services to students.

C. Because these laws and structures have been added piece-meal, and because there has been little or no effort to interrelate them with one another, some degree of overlap and inconsistency is inevitable. If one examines the legislation and regulatory actions which have created these laws and structures during the past 150 years, the great majority have simply been "added" to the codes. For proof of this statement one need only look at the Education Code--once just nine pages in length, the current Education Code is over 2300 pages.

With layer upon layer of law and structure being added over time, it is inevitable that there is some degree of overlap and inconsistency. For instance, when collective bargaining was enacted in 1975, hundreds of statutes which fixed employer and employee rights and responsibilities were left in statute. No effort was made to decide which requirements should be left in statute, which requirements should be supersedable by collective bargaining agreements, and which requirements were no longer necessary in light of collective bargaining. Since 1960, community colleges have been recognized as part of higher education, yet our institutions, unlike UC and CSU, remain under the Field Act. Major categorical programs to ensure student success have been added since 1969, including, EOPS, DSPS, GAIN, the Puente Project, Matriculation, and Transfer Centers. How do all these separate programs relate to one another and to the whole thrust of student equity?

D. Most of us who work in or with community colleges have invested ourselves in one or more of these laws and structures; and it is only natural that we should protect and defend that which we believe in and have invested ourselves. Consequently, these laws and structures have built-in tendencies towards perpetuation and augmentation. Whether you are a local trustee, a student, an exclusive representative for collective bargaining, an EOPS director, a matriculation coordinator, an affirmative action officer, a member of the academic senate, a Chancellor's Office employee, or a member of the Board of Governors, there is at least one set of laws or structures that provides you with a job, an income, or some sort of empowerment to accomplish important work. If there isn't a set of laws and structures recognizing your work, or if the current set of laws and structures is incomplete, it is likely that you and the group with which you associate have considered additional legislation or regulation to correct the problem.

It is necessary and important that we believe in our work and carrying out the trust that we have been empowered to undertake. Consequently, we are naturally inclined to increase the role and function of that which we have invested in; and we are resistant to efforts to eliminate or reduce functions we are charged to carry out. Because we are all inclined to promote and protect the value of our work, we naturally promote and protect the legal structure or set of laws that has created or defined our work. This means we compete for resources and authority--to maintain or expand the program or work we do. We see our piece of community college education, our piece of community college law and structure, as essential, as something that community colleges could not possibly do without. In fact, to secure our role and function, to secure our cause, we all-too-often resort to the Legislature or Board of Governors to augment or more specifically define our role

and responsibility. Thus, by the year 2000, we can look forward to an Education Code which is 2500 pages in length; and we can look forward to several new layers of state and federal structure that can't even be anticipated now.

E. As additional laws and structures have been added, community colleges, particularly during the last fifteen years, have lost ground in meeting their basic mission to provide access to higher education. Just fifteen years ago (Fall, 1977) community colleges enrolled **one of every eleven** California adults, serving 1.3 million students. In the fall of 1991, community colleges enrolled **one of every fourteen** California adults, serving 1.5 million students. During this period, the adult population of the State has grown by almost 5 million, but our colleges have not significantly grown in enrollments. In fact, if our colleges were providing access to students at the same level (participation rate) that existed in 1977, the system would currently be serving 1.8 million students. This means that, primarily because of financial reasons, community colleges are serving 300,000 fewer students than they should be.

This is not to say that our colleges have not made great efforts to accommodate additional students. In 1990-91, the system served the equivalent of 48,222 full-time students for which we received no funding; and in 1991-92, this number grew to 53,008. Community colleges are operating on less revenue (after adjusting for inflation) per full time student than they did fifteen years ago. While K-12, UC, and CSU all enjoy considerably more revenue per student, community college revenue per student has declined from $3500 to $3300 per FTES. During the same time, average class size has increased from 27 to 30. Despite these efforts, our colleges are estimated to have turned away some 120,000 students during each of the last two years.

F. It is highly unlikely that community colleges will ever be provided near the revenue they need to serve all students seeking (and eligible for) access, particularly if the programs and services continue to be delivered through existing structures and in compliance with existing laws. In fact, it is more likely that access and quality will continue to be eroded in our colleges. A recent "Funding Gap" study completed by the Board of Governors concludes that our community colleges are annually underfunded by approximately $2.3 Billion. This means that our colleges are operating on 55% of the revenue they actually need to provide full access and quality programs and services to eligible students seeking admission. If one considers the huge "funding gaps" that also confront UC, CSU, and K-12, the revenue shortfall for public education is in the tens of billions. Objectively speaking, it unforeseeable that the State will ever be in the position to make up this gap. Sadly, the most likely scenario is that access and quality will continue to be eroded while additional laws and structures continue to be imposed.

Summary

Over the past 150 years, our public schools and community colleges have been beset by an incredibly complex and costly set of laws and structures that govern the delivery of education. Increasingly, we are directed as to the manner in which we are to deliver education, and the processes and procedures we are to follow. Most of us have at least some vested interest in maintaining or expanding at least some of these laws and structures. We now face a future where we will not have near the revenue we need to serve the students we have been called upon to educate. If we do not deal with this gordian knot of laws and structures, if we allow our vested interests and current belief structures to control our actions, we will be turning away more students and sacrificing the quality of our programs.

Recognizing that our highest obligation is to serve students and prevent the further erosion of access and quality, we must rise to the challenge of reducing the laws and structures that govern us.

III. ALTERNATIVES FOR REDUCING LAWS AND STRUCTURES

Conceptually, there are three basic ways to approach the task of reducing laws and structures governing community colleges. First, we can "chip around the edges." This approach calls for looking at all of our laws and structures and removing those that most of us can agree are outdated or unnecessary. The second approach is a pilot-project approach to experiment with allowing a small number of colleges to be free of most laws and structures, and to instead allow them to create their own structure. This approach is now being tried in the K-12 setting through the "Charter Schools" legislation enacted in 1992 (SB 1448, Hart). The third approach is to "reinvent" the laws and structures governing community colleges. This approach would remove all laws and structures and replace them with a set of laws and structures that are designed to meet the needs of the State for community college education for the year 2000 and beyond. It is an approach that says:

> "Assume there is no structure or laws governing the delivery of community college education. What structure and laws do we need to meet the needs and assure the success of all eligible students who seek access to community college programs and services?"

A. Chip Around the Edges: During the past fifteen years, there have been several successful attempts to reduce community college laws and structures by chipping around the edges. In 1979, the Board of Governors sponsored AB 1549 (Vasconcellos), which repealed or amended some 200 Education Code statutes that fixed roles of the Board of Governors. In 1981 and 1982, the Board of Governors sponsored three more bills (AB 1726, 1729, and 1730, Vasconcellos) which repealed 500 and amended 200 Education Code provisions which governed the delivery of education by districts. Finally, in 1990, the Board of Governors sponsored the "Education Code Review" (SB 1854, Morgan), a bill which repealed or amended approximately 1000 provisions of the Education Code.

While these efforts have definitely helped in removing outdated and unnecessary laws and structures, they have not served to liberate substantial amounts of revenue that could be redirected to providing direct instruction and services for students. In essence, these proposals only took away laws and structures that most parties agreed they could live without. Complex and controversial changes were not pursued.

B. Pilot Project--Charter Schools: In 1992, legislation was passed (SB 1448, Hart) which will allow up to 100 K-12 schools become "Charter Schools" for up to five years, subject to renewal for five-year periods. If at least 10% of the teachers of a school district (or at least 50% of the teachers in a school) petition a school district governing board to create a charter school, that governing board can create such a school. The petition is to contain a proposed "charter" for the school which is to address various items, including: a description of the education program of the school; the measurable pupil outcomes that will be used; the method of measuring pupil outcomes; the governance structure for the school; the qualifications to be met by individuals employed by the school; the means by which the school will achieve a racial and ethnic balance among its pupils; admission requirements, if

applicable; and the manner in which an annual audit of the fiscal and programmatic operations is to be conducted. Governing boards are prohibited from requiring any employee of the district to be employed by the charter school.

The district may grant the charter for up to five years. Once granted, **the school is required to comply with all of the provisions in its charter, but is otherwise exempt from the laws governing school districts** (except for teacher's retirement statutes). Only the district which approved the charter may revoke it or choose not to continue it.

While the Charter School experiment has promise and should continue to be watched, it has two essential drawbacks. First, because the experiment is limited to 100 schools, the vast majority of public schools will continue to operate in accordance with existing laws and structures. Second, it is not clear how the State's interest in public education gets articulated and incorporated into the individual charters. The public schools are clearly a State function, and it not realistic to expect that the Legislature will abide by a structure which allows districts to create their own goals and methods of operation without any consideration of the needs and objectives of the State. The Charter Schools concept appears workable as a limited experiment, but does not seem feasible as an alternate governance structure for the entire public school system. If massive numbers of schools are enabled to move to this option, it appears inevitable that the Legislature and Governor will become concerned with how these schools are addressing needs of the State, needs that all other public schools and agencies are required to address.

C. Reinvent Laws and Structures: A radical approach to reducing laws and structures would be to wipe out all existing laws and structures and create a set of laws and structures that are designed to enable the community colleges to meet the needs of the State for the year 2000 and beyond. Under this approach we would assume there is no structure--there is no Board of Governors, there is no Chancellor's Office, there are no local governing boards, there are no district boundaries, there are no academic senates, there is no collective bargaining, there are no categorical aid programs, there is no tenure, there is no Field Act, and there are no minimum qualifications for employees. Instead of removing all this structure and leaving it to a local "Charter School" determination, we would have the Legislature reinvent a set of laws and structures to govern the delivery of community college education in California.

This approach attacks no single aspect of the current structure as unnecessary. Instead, it asks us to build a set of laws and structures that will enable us to carry out our mission in the 21st century. It recognizes that even under the current structure, we can't simply remove significant laws and structures without there being major consequences. Instead, we have to look at what these laws and structures are intended to accomplish and decide whether and how they should be built into the new structure--a new structure whose component parts are as simple and elegant as possible, and whose parts make sense in terms of one another.

Finally, it should be recognized that this approach will not work with respect to laws and structures imposed by the Federal government. To get at these laws and structures, we would have to convince the President and Congress that they should wipe out all federal law and structure related to education and recreate a new set of laws and structures.

IV. REINVENTING THE LAWS AND STRUCTURES GOVERNING COMMUNITY COLLEGES: A PROPOSAL FOR CONSIDERATION

Reinventing the laws and structures governing community colleges is a daunting and improbable task. Given that most or all of us in the community colleges have vested interests in preserving or augmenting one or more of these structures, how could we possibly come together? How could we develop and propose a new structure to the Legislature--a new structure which very well might be silent on the function we currently perform or the laws upon which we rely? Yet, if we are not to come together to propose this new structure, it will be left to the Legislature. Given that each of us will then lobby our own interests in the Legislature, one must both pity that body and pray for its great wisdom. In all probability it is legislation that would never happen or legislation that we would be sorry that ever happened.

If community college laws and structures are to be reinvented, it is we who work in the system who should come forward with the proposal. It is we, together, who should work with the Legislature and Governor in legislative review and enactment of the proposal. Somehow we have to find a way for this to happen.

If we establish two critical ground rules it may be possible to proceed. First, we must always remember that we are doing this for the students and for the State. We are trying to serve more of the people of California who need community college education, and we're trying to do it better. We're not doing this to perpetuate our personal or organizational ends, and we're willing to subordinate these ends to assure we address the greater good of serving students. Second, while we may have to subordinate certain laws and structures which we have vested interests in preserving, none of us should have to lose our livelihood because of this restructuring. What we need is a way of proceeding that assures that each of us as individuals will continue to be employed, even though we may be doing different work.

A. Realities and Trends To Be Considered In Developing Laws and Structures For The Future:

1. Free Flow of Students: Since 1988, a student is entitled to attend any community college within the state, without regard to district boundaries. While enrollments in most districts are still primarily composed of residents who live within district boundaries, and while most districts still plan on the basis of the educational needs of district residents, the trend is to greater free flow of students, and greater specialization of programs between districts. With free flow, a primary raison d'etre for district boundaries has been called into question. The future laws and structures governing community colleges must take into account the reality and necessity of free flow.

2. College-Based Shared Governance: With AB 1725, the evolution has been to increasing the role of faculty, staff, and students in district and college governance. More and more, educational policy is being hammered out in the shared governance structures that exist within colleges and districts, with the role of the governing board to preside over the processes and to either accept or reject jointly developed recommendations. Fundamentally, governance is shifting towards empowerment of the employees and students; yet these groups are not legally accountable to either the Board of Governors, the State, or the local electorate.

The future governance structure needs resolve this conflict so that whoever has legal authority also has legal accountability.

3. Multiplicity of Governance Representatives: Increasingly, we have more and more organizations purporting to speak for us as individuals and for our constituencies. At the local level, the faculty is represented by academic senates and labor unions; classified staff is represented by classified unions and classified senates; and students are represented by student trustees and student body governments. Systemwide, trustees are represented by the California Community College Trustees; chief executive officers are represented by the Chief Executive Officers Association; administrators are represented by Association of California Community College Administrators; faculty are represented by the Statewide Academic Senate, the Faculty Association of the California Community Colleges, the California Federation of Teachers, the California Teachers Association, and the California Community College Independents; and the list goes on. This multiplicity of governance representatives is becoming increasingly cumbersome and costly, and the future laws and structures governing community colleges should address this reality.

4. Barriers to Transfer: Most of our students work full-time or part-time. Many of our students find community college education accessible, but have great difficulty when it comes time to transfer. Significant barriers exist for a student who must leave a familiar college environment, quit a job, move, or undertake greater unit loads in order to attend a four-year postsecondary institution. The future laws and structures should remove or greatly lessen these barriers.

5. Inefficiencies of Transfer: Many of our students have to repeat coursework once they transfer to UC, CSU, or other postsecondary institutions. Many of our students find that there aren't transfer slots available at UC or CSU when it comes time to transfer. Because of transfer inefficiencies, the State pays twice for the same education and students become frustrated because their time has been wasted. The future laws and structures should reduce or eliminate these inefficiencies.

6. State-Fixed Funding Levels and Equalization of Funding: Funding levels for community colleges are fixed by the State. Districts have become increasingly limited in their ability to raise discretionary revenue at the expense of local taxpayers or students. While economies of scale are recognized, the policy of the State is to equalize funding so that regardless of where a student attends, he or she is supported by relatively the same amount of revenue. The trend is to reduce differences in funding due to history, and press towards greater equalization. The future laws and structures need to recognize this state priority.

7. Impediments to Employees: Employees who have permanent status or a long-term contract in one district are reluctant to give up this status in order to move to another district or to the systemwide office. In addition, personnel in the Chancellor's Office with permanent civil service status are reluctant to give up this status to move to a district. This structure not only imposes impediments to employee mobility, it also requires our system to maintain 72 different employment structures. The future laws and structures need to address these impediments.

8. Employee Compensation: Salaries, benefits, and other terms and conditions of employment are collectively bargained in most districts, and are otherwise locally established. Because salaries are locally established, the same or similar work is compensated differently in different districts. With State-fixed funding levels and

the unpredictability of State funding, some districts have collectively bargained or otherwise established salary schedules which cannot be paid for. The collective bargaining process is a labor-intensive and often time-consuming process that is separately conducted in each district. These realities should be addressed in the new laws and structures.

9. Access and Educational Equity: Many separate programs have been created over the years to address the Master Plan's twin requirements of providing access to all students who have the capacity and motivation to benefit from higher education, and providing our students with the support and services they need to assure success. Over time, we have established such programs as EOPS, DSPS, Matriculation, Puente, GAIN, CARE, Transfer Centers, and Student Equity. These programs continue to be separately funded and maintained, both at the state and local levels (although the recent trend is to seek greater coordination of these programs). While the programs focus on different populations, they are all aimed at student equity--ensuring that we provide access and success to all of our students. The issue of coordinating and combining these programs into an overall program of student equity deserves consideration for incorporation in the new laws and structures.

10. Importance of Education and Its Accessibility: Education, including continuing education, will become even more vital to our success as individuals, and to the health of our state's society and economy. Technology and knowledge is changing rapidly. It is not practical to think that one's formal education is ever complete. Education must continue to be accessible. Every California adult should be reasonably close to public higher education offerings, whether they be delivered in the traditional methods or through distance learning. Education should be affordable; and, to the extent there are financial barriers, financial aid mechanisms should be in place to assure no group is excluded from attending. These realities must be assured in the new laws and structures.

B. A Proposal for Consideration:

Given the ground rules that we are doing this for our students and that none of us will lose our livelihood, and given the realities and trends identified above, the basic outline of a new set of laws and structures for community colleges is proposed for consideration. What follows is a starting point for discussion, not a final product. Acting as individuals, we must create both the will and a mechanism for reviewing and developing this or some other proposal. We must impose upon our organizations and special interests the necessity of acting--the necessity of looking at changes that may be against organizational self-interest, but that are in the best interests of our students and the State.

A MODEL: COMMUNITY COLLEGES RECREATED

Mission: The mission of community college, with one exception, should continue as it is currently expressed in Code (Education Code Section 66010.4). To better serve students who desire a baccalaureate degree, the mission should be expanded to allow individual community colleges to offer the baccalaureate degree when approved by the systemwide governing body.

Access: Community colleges should continue to admit high school diploma holders and all students over 18 who are capable from profiting from the instruction offered. Permissive admission of K-12 students would also be continued, as would free-flow. The colleges should also be required to establish such programs and services for student equity as are necessary to ensure the success of all students, with goals being established and outcomes being reported by colleges. The systemwide governing board would also be required to establish and monitor goals for student equity within the system.

Governance:

Local--The locally accountable entity should be the college. The college would be governed by the employees and the students. Each college would create a college council of five members. One position would be for a student, elected by the students; the other positions would be elected by the employees, for four year terms. The college council would employ a chief executive officer, who would serve as the president of the college. The council would be authorized to delegate authority to the president or any other officer or committee of the college. Meetings of the college council would be subject to the local agency meeting act (Brown Act).

The basic powers of a college council would be very similar to those currently held by district governing boards (see Education Code Section 70902). College councils would be directly accountable to the systemwide governing body, and also to the State (Legislature).

Systemwide--The college councils would be required to convene a constitutional convention to create a systemwide governance mechanism (Charter). The new charter would come into place when two-thirds of college councils ratified the systemwide governance mechanism. The Board of Governors as it now exists would continue to operate in accordance with its existing authority (see Education Code Section 70901) until the systemwide governance mechanism became operative.

As to the governing mechanism to be created by the colleges, a systemwide governing board would have to be created. The Legislature would specify the basic powers and duties of the board (which would be drawn from current law), and allow for other powers and duties to be added. The Board's size, composition, and term lengths would be left to the charter, as would provisions regarding who makes appointments to the Board. The governing board would be required to employ a chief executive officer, known as the "Chancellor." Funding for the costs of maintaining the systemwide governing mechanism would be covered in the Charter. Because the governing mechanism is created by local colleges, it would be funded from local assistance appropriations.

The systemwide governing board would be accountable to the State (Legislature).

Finance-- The annual budget for the system would be developed, proposed to the Legislature, and, once enacted, administered by the systemwide governing board and the colleges. Until decided otherwise by the systemwide governing body, program-based funding would serve as the basis for allocating revenues to colleges.

Colleges would continue to be partially funded through property tax revenues. Authority to issue bonds for capital outlay purposes would be continued. Student fees would continue to be regulated by the Legislature.

Employees--In the process of converting to the new structure, colleges would be prohibited from terminating an existing employee on the basis that a program or function had been discontinued due to the restructuring. All permanent and probationary employees of the colleges would continue to be paid at least the same salary that existed on the effective date of the legislation. Colleges would be authorized to assign employees to different work.

On the charter date for the new systemwide governing body, employees of the colleges and employees of the systemwide governing body would all become employees of the California Community Colleges. An employee could move to any college in the system or to the systemwide office, without losing status (tenure, seniority, etc) under procedures established by the systemwide governing board.

Salaries and benefits for all employees of the California Community Colleges would be set by the systemwide governing board in accordance with a process set forth in the systemwide governance charter (which would most likely provide for some sort of systemwide collective bargaining process).

The systemwide governing board would be required to establish and monitor goals for faculty and staff diversity within the system.